

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Art Unit 1647, Assistant Commissioner for Patents, Washington, D.C. 20231 on December 15, 2000

PATENT  
Attorney Docket No.: 02307E-092610US

By: Karen Lovino  
Karen Lovino

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ZUKER

Application No.: 09/492,028

Filed: January 26, 2000

For: ASSAYS FOR SENSORY  
MODULATORS USING A SENSORY  
CELL SPECIFIC G-PROTEIN ALPHA  
SUBUNIT

Examiner: B. O'Laughlin

Art Unit: 1647

RESPONSE TO RESTRICTION  
REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed November 7, 2000, Applicant elects to prosecute Group I, claims 1-8. For purposes of searching, Applicant also elects the species wherein the functional effect is a "chemical effect." Claims 1-4 and 6-8 read on the elected species. Applicant notes that upon allowance of claims reading on the elected species, Applicant will be entitled to consideration of claims directed to additional species. MPEP § 809.02(a); *see also* 37 C.F.R. § 1.141(a).

The foregoing election is made with traverse, as claims 1, 4, and 5 were placed both in Group I and in Group II. Furthermore, claims 23-24, although classified the same class as the claims of Group II, were placed in Group III. As such, on its face this rejection is improper and should be withdrawn. By placing claims 1, 4, and 5 in two separate groups, the Examiner has improperly attempted both to reject these claims for misjoinder, and to reject the claims on the basis that they allegedly represent independent and distinct inventions. Furthermore, examining the claims together would not place an undue examination burden on

#10  
H.Q.  
12/01

